

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MICHAEL D. JACKSON, RECEIVED
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

PLAINTIFF,

VS.

**MGA, Inc. d/b/a
MOVIE GALLERY**

DEFENDANT.

CASE NO. 1:06cv 01-T

A JURY IS DEMANDED

COMPLAINT

I. INTRODUCTION

1. This is an action for declaratory judgment, equitable relief, and money damages, instituted to secure the protection of and redress the deprivation of rights secured through the Civil Rights Act of 1866, as amended by Section 101 of the Civil Rights Act of 1991, and codified as 42 U. S. C. Section 1981, and 42 U. S. C. Section 2000(e), which provide for relief from racial discrimination in the performance of contracts and employment.

II JURISDICTION AND VENUE

2. Jurisdiction of this Court is invoked pursuant to 28 U. S. C.

1.

Sections 1331, 1343(4) and 1367; 28 U. S. C. Sections 2201 and 2202.

3. The unlawful employment practices alleged hereinbelow were committed by the Defendant within Houston County, Alabama. Venue is proper in the Middle District of Alabama pursuant to 28 U. S. C. § 1391(b).

II PARTIES

4. Plaintiff is an African-American male and resident citizen of Houston County, Alabama and the United States of America. Defendant is a Delaware Corporation presumptively licensed to do business within the Middle District of Alabama.

IV STATEMENT OF ALLEGATIONS

5. Plaintiff was working for the Defendant as a Quality Assurance Manager on March 23, 2005;

6. On or about March 23, 2005 , he applied for the open position of Director of Game Zone/Trade Zone;

7. Contrary to its custom, Defendant refused to interview Plaintiff for said position;

8. This was the second time Plaintiff had applied for a management position and was completely rebuffed by Defendant;

9. On April 15, 2005, Plaintiff was contractively terminated after he exposed the Defendant's bogus Evaluation that had noted him un-qualified for continued employment;

10. The Defendant had no non-white managers or Directors at the Support Center in Dothan Alabama at his termination;

11. The Defendant has a long history of hostility to racial diversity at its Support Center, for non-whites who desire to advance into Management. It maintains a racially hostile environment;

12. The Defendant discriminates against non-whites in recruitment, hiring, promoting, and retention of non-whites and prospective employees as well as employees who try to advance within the company.

V. CLAIMS FOR RELIEF

Plaintiff requests that the Defendant be ordered to permanently cease and desist from all race discrimination and to hire Plaintiff for the position of Director of Game Zone/ Trade Zone;

Plaintiff avers that the Defendant's conduct has caused him pain, humiliation, suffering and financial loss for which he seeks compensatory damages of no less than two and one half million dollars (\$2,500,000); and, any and all other relief, including backpay, attorney's fees and cost, to

which he may be entitled.

Malcolm R. Newman, Attorney, P.C.

A handwritten signature in cursive script, reading "Malcolm R. Newman", is written over a horizontal line.

Malcolm R. Newman (NEW017)

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